

## REMARKS

### I. SUMMARY OF PHONE CONVERSATION WITH EXAMINER WONG

On October 15, 2004 Applicants contacted Examiner Wong to discuss the finality of the Office Action mailed August 25, 2004.

Prior to the mailing of the Final Office Action, the Patent Office issued a Non Final Office Action dated March 17, 2004, failing to address claims 21-27. Accordingly, a response to this Non-Final Office Action was filed on June 16, 2004 requesting that the Office Action address claims 21-27.

Claims 21-27 were addressed in the Final Office Action mailed August 25, 2004. However, since Applicant's did not had an opportunity to discuss the patentability of claims 21-27, it was improper for the PTO to issue the Final Office Action mailed August 25, 2004.

Accordingly, after discussing this situation with Examiner Wong, it was agreed that Examiner Wong would withdrawn the Final Office Action, and consider the following amendment and remarks.

### II. STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1, 8, 15 and 25 have been amended. Accordingly, claims 1, 3-10, 15 and 17-29 are pending and under consideration.

### III. SUMMARY OF THE OFFICE ACTION

Claim 28 is currently pending but the outstanding Office Action did not address this claim. Accordingly, Applicants respectfully request that the Examiner address the status of claim 28.

### IV. THE REJECTION OF CLAIMS 1, 3-8, 15, 17-25 AND 29 UNDER 35 U.S.C 102(b) AS BEING ANTICIPATED HAKIMI

Applicants respectfully traverse this rejection for at least the following reason.

Independent claim 1, as amended recites, a method comprising, amongst other novel elements, "supplying a compressed optical signal output from said first optical fiber to an optical device having a saturated gain thereby **flattening a top** of each pulse of said compressed

optical signal."

Independent claim 15, as amended, recites a system comprising, amongst other novel features, "an optical device to which a compressed optical signal output from said first optical fiber is supplied, said optical device having a saturated gain thereby **flattening a top** of each pulse of said compressed optical signal."

Independent claim 29 recites "an optical device to which a compressed optical signal output from said first optical fiber is supplied, said optical device having a saturated gain to thereby **flatten a top** of each pulse of said compressed optical signal."

Hakimi discloses an apparatus for compensating chromatic and polarization dispersion and frequency chirp in fiber optical communication systems in order to increase data rate (column 1, lines 8-13). For example, Hakimi discloses at FIG. 1, a compensator consisting of two stages 1-4 and 1-6. A linear polarized light 1-2 suffering from chromatic dispersion and frequency chirp is conditioned in the first stage 1-4 of the compensator such that each wavelength component of the input beam is converted into different states of polarization. The second stage of the compensator 1-6 has different time delay for each state of polarization. The time delay in the second stage of the compensator is selected (or adjusted) so that the slow wavelength components in the lightwave overtake the fast components of the beam, thereby compressing the input pulse (column 4, lines 65-67 and column 5, lines 1-9).

Accordingly, Hakimi discloses an apparatus for compensating chromatic dispersion and polarization dispersion and frequency chirp in fiber, using a wavelength to polarization transformer, a polarization to delay converter, and birefringent fibers.

However, Hakimi fails to teach or suggest "**flattening a top** of each pulse of said compressed optical signal," as recited in independent claims 1 and 15 or "**flatten a top** of each pulse of said compressed optical signal," as recited in independent claim 29.

Accordingly, Applicants respectfully assert that the rejection of independent claims 1, 15 and 29 under 35 U.S.C. §102(b) should be withdrawn because Hakimi fails to teach or suggest each feature of independent claims 1, 15 and 29.

Furthermore, Applicants respectfully assert that dependent claims 3-8 and 17-20 are allowable at least because of their dependence from claims 1 and 15, respectively, and for the reasons set forth above.

V. THE REJECTION OF CLAIMS 9-10 and 24-27 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER HAKIMI AND FURTHER IN VIEW OF WATANABE.

Claims 9 and 10 depend upon independent claim 1 and claims 24-27 depend upon independent claim 15. As discussed above, Hakimi fails to teach or suggest the features recited in independent claims 1 and 15.

Watanabe discloses an optical communication system compensating for chromatic dispersion and a phase conjugate light generator. The system includes an optical transmitter which receives an input signal and transmits signal light over an optical transmission line which is then input to a phase conjugate light generation unit (abstract).

Watanabe fails to teach or suggest "flattening a top of each pulse of said compressed optical signal," as recited in independent claims 1 and 15, and thus fails to cure the deficiencies of Hakimi.

Accordingly, Applicants respectfully assert that the rejection of claims 9 and 10 and 24-27 under 35 U.S.C. §103(a) should be withdrawn because neither Hakimi nor Watanabe, whether taken singly or combined teach or suggest each feature of independent claims 1 and 15, as amended, upon which claims 9 and 10 and 24-27 depend from.

VI. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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